

DENNIS MACK)
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Plaintiff,)
)
vs.) NO. CIV-13-1079-HE
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CAROLYN W. COLVIN,)
)
Acting Commissioner of the Social)
Security Administration,)
)
)
Defendant.)


Plaintiff Dennis Mack filed this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying his applications for disability insurance benefits and supplemental security income benefits. The case was referred to Magistrate Judge Shon T. Erwin, consistent with 28 U.S.C. § 636(b)(1)(B). Judge Erwin found that the administrative law judge failed to properly weigh the opinions of two physicians, consider the Listing at 12.02 relating to organic mental disorders, and fully develop the record. Based on these errors, Judge Erwin recommends that the case be reversed and remanded for further consideration.

Having failed to object to the Report and Recommendation, the parties have waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts the Report and Recommendation [Doc. #16], **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further

proceedings consistent with the Report and Recommendation, a copy of which is attached to this order. This decision does not suggest or imply any view as to whether plaintiff is or is not disabled, or what result should be reached on remand.

IT IS SO ORDERED.

Dated this 23rd day of December, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE